

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IDS #7

(12-13-99)

In re Application of: Jay S. Walker et al.

For: MULTI-TIER PRICING OF INDIVIDUAL  
PRODUCTS BASED ON VOLUME  
DISCOUNTS

Examiner: Not Yet Assigned

Group 2761

Serial No.: 09/350,875

Filing Date: July 9, 1999



Group Art Unit: 2761

Docket No.: 98-113

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U.S. Patent 4,008,792 entitled "VEND CONTROL CIRCUITS CAPABLE OF VENDING DIFFERENT QUANTITIES AT DIFFERENT PRICES", issued to Joseph L. Levasseur et al. on February 22, 1977.
- B. U.S. Patent 4,195,864 entitled "MULTI-PRODUCT COUPON", issued to Robert S. Morton et al. on April 1, 1980.
- C. U.S. Patent 4,498,570 entitled "MULTIPLE PURCHASE DISCOUNT MODULE FOR A SINGLE PRICE VENDING MACHINE", issued to Eddie W. King et al. on February 12, 1985.
- D. U.S. Patent 4,679,150 entitled "AUTOMATIC VENDING MACHINE WITH DISCOUNT FUNCTION", issued to Yukichi Hayashi et al. on July 7, 1987.
- E. U.S. Patent 4,833,308 entitled "CHECKOUT COUNTER PRODUCT PROMOTION SYSTEM AND METHOD", issued to David R. Humble on May 23, 1989.
- F. U.S. Patent 4,982,346 entitled "MALL PROMOTION NETWORK APPARATUS AND METHOD", issued to Kenneth P. Girouard et al. on January 1, 1991.
- G. U.S. Patent 5,053,957 entitled "ELECTRONIC CASH REGISTER HAVING DISCOUNT PRICES SELECTED BY CUSTOMER LEVEL", issued to Yasuo Suzuki on October 1, 1991.
- H. U.S. Patent 5,687,322 entitled "METHOD AND SYSTEM FOR SELECTIVE INCENTIVE POINT-OF-SALE MARKETING IN RESPONSE TO CUSTOMER SHOPPING HISTORIES", issued to David W. Deaton et al. on November 11, 1997.
- I. U.S. Patent 5,822,216 entitled "VENDING MACHINE AND COMPUTER ASSEMBLY", issued to James A. Satchell, Jr. et al. on October 13, 1998.
- J. U.S. Patent 5,822,736 entitled "VARIABLE MARGIN PRICING SYSTEM", issued to David J. Hartman et al. on October 13, 1998.
- K. Patent Abstract of Japan Publication No. 05094591 entitled "DISCOUNT PROCESSING SYSTEM FOR POS SYSTEM", published to Fujitsu Ltd. on April 16, 1993.
- L. Patent Abstract of Japan Publication No. 07220172 entitled "DISCOUNT PRICE CALCULATION SYSTEM", published to Hitachi Ltd et al. on August 18, 1995.

- M. Patent Abstract of Japan Publication No. 07249178 entitled "DISCOUNT PROCESSING SYSTEM", published to Hitachi Ltd. on September 26, 1995.
- N. Patent Abstract of Japan Publication No. 08077256 entitled "DISCOUNT MANAGEMENT SYSTEM", published to Fujitsu Ltd. on March 22, 1996.
- O. Patent Abstracts of Japan Publication No. 08272856 entitled "POS SYSTEM", published to Gensou:KK et al. on October 18, 1996.
- P. Linda Purpura, "Green Hills Farms Finding Gold in Frequent-Shopper Cards," Supermarket News, February 24, 1997, Page 19.
- Q. Liz Bowie, "Food Lion looks toward Baltimore", The Baltimore Sun, April 28, 1997, Page 11C.
- R. Patent Abstracts of Japan Publication No. 09062908 entitled "MERCHANDISE SALES METHOD AT AUTOMATIC VENDING MACHINE", published to Toshiba Corp. et al. on March 7, 1997.
- S. Patent Abstracts of Japan Publication No. 09282535 entitled "VENDING MACHINE", published to Fuji Electric Co. Ltd. on October 31, 1997.
- T. Patent Abstracts of Japan Publication No. 10143730 entitled "AUTOMATIC VENDING MACHINE PROVIDED WITH DISCOUNT SALES FUNCTION", published to Sanden Corp. on May 29, 1998.
- U. Patent Abstracts of Japan Publication No. 10154274 entitled "POS SALES REGISTRATION METHOD AND ITS DEVICE", published to NEC Corp. on June 9, 1998.
- V. International PCT Application No. WO 98/06050 entitled "SYSTEM AND METHOD FOR A TARGETED PAYMENT SYSTEM DISCOUNT PROGRAM", published to First Data Corporation on February 12, 1998.
- W. Rebecca Smith, "Buy More, Pay Less; Frequent Shopper Programs Promise a Brave New World in Grocery Buying", Pittsburgh Post-Gazette, January 19, 1998, Page E1.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
  - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
  - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
  - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
  - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
  - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:
- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
  - ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned

after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).


☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose

☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,

  
\_\_\_\_\_  
Dean Alderucci

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December 9, 1999  
Date

CAI 2761

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Docket No.: 98-113

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER


Sir:

Applicants hereby submit the following documents for the above-identified patent application:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. Copy of twenty-two (22) references cited therein; and
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge \$ 0.00 to Deposit Account No. 50-0271 for the fees required for the enclosed Information Disclosure Statement. Order No. WD2-98-113. The Commissioner is further authorized to charge any further required fees, or to credit any overpayment, to Deposit Account No. 50-0271. Order No. WD2-98-113. A duplicate copy of this authorization is attached for such purpose.

Respectfully submitted,

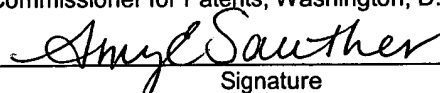
  
Dean Alderucci  
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December 9, 1999  
Date

Certificate of Mailing

I hereby certify that this correspondence is being sent via first class mail in an envelope with sufficient postage addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on December 9, 1999.

Amy E. Sauter  
Name of Person Making Deposit

  
Signature

December 9, 1999  
Date